REMARKS

Claims 1, 3-5, 8-10, 14, 15, and 17-22 are allowed. Claims 7 and 36 were objected to due to minor informalities, which have now been corrected.

Claims 12 and 16 are rejected under 35 USC 112, first paragraph, as being without support in the written description. These claims have been cancelled.

Claim 23 was rejected as being anticipated by Mulier. Claim 23, as amended, recites a limitation that the electrode at the distal end of the elongated body comprises:

> means, ~~having~~ including a first electrode surface on the electrode in contact with an ionically conductive medium and a second electrode surface on the electrode adapted to be brought into contact with tissue, for producing a first current density at the first electrode surface and a second current density at the second electrode surface, when a current is delivered via the conductor to the electrode, wherein the first current density is smaller than the second current density so that the second electrode surface forms a high impedance and low polarization stimulating electrode.

In particular, reliance is placed on Fig. 10 of Mulier:

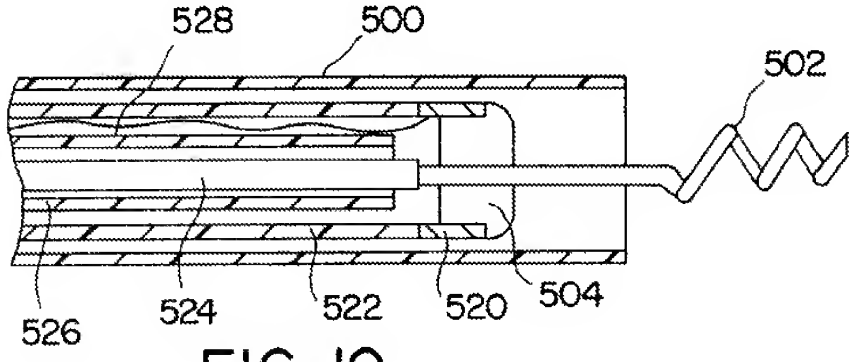

FIG. 10

According to the final office action, the conductor limitation of claim 23 is met by "conductor 524." However, item 524 is a hypo-tube that delivers Ringer's solution, although the tube 524 is coupled to an external conductor 512. Also, item 500 identified in the final office action as "an insulating sheath" is actually described in Mulier as being

"an outer catheter tube." The helical electrode 502 is considered by the Examiner to be a first electrode surface and ring electrode 520 is considered to be a second electrode surface.

The structures identified by the Examiner, however, do not provide both the first and the second electrode surfaces on a common electrode. Instead, the identified electrode surfaces are on two separate and distinct electrodes. Even more fundamentally, claim 23 recites that the function of the means-plus-function limitation is that of "producing a first current density at the first electrode surface and a second current density at the second electrode surface." Thus, the contention of alleged different current densities at the helical electrode than is present at the ring electrode is immaterial.

Yet further, however, as amended claim 23 specifies, the first electrode surface is in contact with an ionic conductive medium and the second electrode surface is adapted to be brought into contact with tissue. The identification of electrode surfaces by the Examiner is just the opposite to what is set forth in amended claim 23. To further put the recitation into perspective and to identify support in the specification, the embodiment of Figure 1A shows:

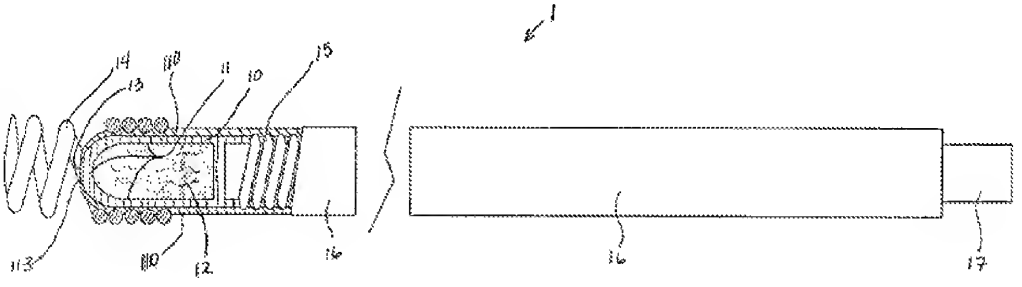

FIGURE 1A

As described in paragraph [0013], which is set forth in relevant part, the higher current density is at the second electrode surface 13:

> [0013] According to embodiments of the present invention cavity 12 enclosed by first electrode surface 11 is filled with an ionically conductive medium in intimate contact with first electrode surface 11; first surface 11 has a surface area approximately greater than or equal to approximately 10 square millimeters, and port 113 circumscribes second electrode surface 13, which has a surface area between approximately 0.1 square millimeters and 4 square millimeters, to form a high impedance and low polarization DCD electrode wherein a relatively high current density is formed at second electrode surface 13 and a relatively low current density is formed at first electrode surface1 1 when a current is delivered from connector pin 17 to conductive structure 10 via conductor 15. The ionically conductive medium may be

As seen in Figure 1A, and also described in paragraph [0012], the second electrode surface 13 is brought into contact with tissue via rotation of helical fixation member 14.

> [0012] FIG. 1A further illustrates conductive structure 10 including a first electrode surface 11, a second electrode surface 13 and insulative housing 110 including a cavity 12 and a port 113, and an insulated helical fixation member 14 coupled to insulative housing 110 and extending distally in order to affect fixation of second electrode surface 13 against a segment of tissue via rotation of fixation member 14 as is well known to those skilled in the art. Fixation member 14

The embodiment of Figure 2A similarly shows a second electrode surface in contact with tissue and a first electrode surface being in contact with an ionic conductive medium:

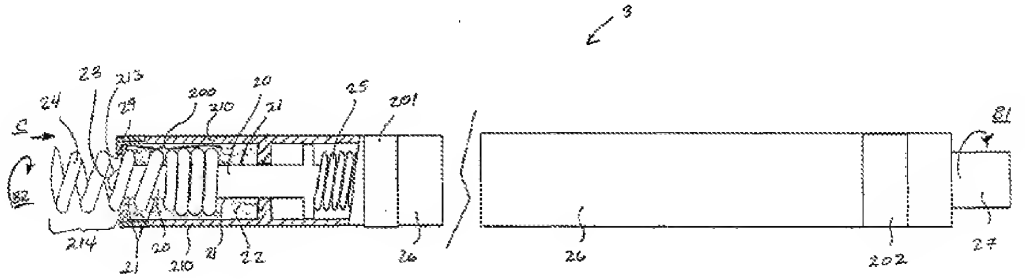

FIGURE 2A

As described in paragraph [0017], a first electrode surface 21 is in contact with an ionic conductive medium and a second electrode surface 23 is brought into contact with tissue by helical fixation member 24:

> [0017] **FIG. 2A** further illustrates conductive structure **20** contained within a cavity **22** of insulative housing **210** and formed as a stud joining conductor **25** to an insulated helical fixation element **24** which extends distally out from a port **213** of insulative housing **210**; conductive structure **20** includes a first electrode surface **21** in intimate contact with an ionically conductive medium filling cavity **22** and a second electrode surface **23** protruding from port **213**, which is brought into contact with tissue by means of insulated helical fixation member **24**. The conductive medium filling

In summary, Mulier is not relevant prior art to the claimed subject matter of claim 23, particularly as amended, as Mulier fails to disclose a single electrode having the two electrode surfaces as specified in amended claim 23. Therefore, Applicants submit that claims 23-25 and 27-35 are allowable and request issuance of a notice of allowance.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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/Carol F. Barry/
Carol F. Barry, Reg. No.41,600
Telephone: (763) 526-0932
Customer No. 27581